

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re application of:** Cuttitta et al.

**Application No.** 10/529,116

**Filed:** March 24, 2005

**Confirmation No.** 6564

**FILED VIA EFS**

**For:** A NEW TARGET FOR ANGIOGENESIS  
AND ANTI-ANGIOGENESIS THERAPY

**Examiner:** Saoud, Christine J.

**Art Unit:** 1647

**Attorney Reference No.** 4239-67026-06

COMMISSIONER FOR PATENTS  
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**DECLARATION OF PRIOR INVENTION UNDER 37 CFR 1.132**

1. I, Frank Cuttitta, Ph.D., am an inventor of the above-referenced U.S. Patent Application.
2. I hold a Ph.D. in Microbiology/Immunology from the University of Maryland. I am the Director of the NCI Angiogenesis Core Facility in Gaithersburg, Maryland. My Curriculum Vitae is attached as Exhibit A.
3. Attached as Exhibit B is a copy of a 1993 publication entitled "Peptide Amidation: Signature of Bioactivity," (Cuttitta (1993) *Anat Rec.* 236(1):87-93, 172-3). This reference teaches that peptide amidation is crucial to peptide function and bioactivity.
4. Based on the teaching in at least this reference, as well as the teaching of the specification, which states that "PAMP is an arginine amide-modified peptide[:];...[as] such, it is very resistant to carboxy peptidase, and the arginine amide modification conveys receptor recognition" (see, page 48, lines 5-6 of the specification), one of skill in the art would have known that modifying the C-terminal arginine residue in SEQ ID NO: 4 (PAMP) would have interfered with PAMP's bioactivity.
5. I hereby declare that all statements made herein are of my own knowledge, are true and that all statements made on information and belief are believed to be true. Furthermore, these statements were made with the knowledge that willful false statements and the like are

punishable by fine or imprisonment, or both, under Section 1001 of the Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

3/31/08  
Date

  
Name Frank Cuttitta